Federal Communications Commission
Office of the Secretary
Washington, D.C. 20554

Re: In the Matter of RM-10352

Please consider the following comments in reply to substantially identical comments filed en mass by: Luis Cruz, N4LDG, Juan Arencibia, KD4ZDV, Julio Perez, KD4FPP, Julio Ripoll, WD4JR, Julio Henriquez, AD4Z, Jesus Hernandez (no call), Carl Herrera WC4H, Luciano Martinez, AE4WE, Fernando Vigueras, KC4ZDR, Osvaldo Pla, KB4TFF, Miguel Mazquiaran, N4UTO, Jose M. Chavez KE4ZUD, Osvaldo Martinez, KA4GOK, Eugenio A. Flores, N4KVD, Fredy Gomez, N4QPU, Gregorio Mendez, KB4HIT, Jesus Hernandez, WA2YWD, Miguel Espinosa, KD2CL, et al.

The comments assert:

> 1.) *A division of narrow and wide modes would give privileges to use of narrow modes, including digital modes of the future against SSB modes. CW will have all the band when SSB users will have only part of the band. This is unfair and will benefit only a very small group of DX'ers and contesting guys.*

This assertion is demonstrably false. First a division of wide bandwidth and narrow bandwidth modes provides benefits for all users – it protects each mode class from incompatible and generally unsolvable interference created by the incompatible mode. In addition, the voluntary bandplan created by the American Radio Relay League (ARRL) already classifies operation of wide bandwidth modes below 1843 KHz as bad operating practice.

> *CW users will move down NOW but will have under the rulemaking, privileges all over the band and a " special" right when all modes and users in ham radio MUST have the same privileges. Rulemaking of the RM-10352 is unfair under any kind of circunstances.*

Again, the assertion is false. RM-10352 would not confer any kind of “special” right beyond the rights that already exist on every other amateur band below 54 MHz.

> 2.) *A bandplan will originate More FCC involvement and resources used for 160-meters because it would cause more disputes and conflicts between operators asking for FCC involvement in a band that is JUST used by a very small group of people since the normal amateur do not have conditions to built the antennas needed for this band (recepction and transmission) and is just a privilege of a few.*

RM-10352, if adopted, would reduce FCC involvement in 160-meter enforcement by drawing the same bright line as exists on every other amateur band below 54 MHz. Commission enforcement action involving operation “on the wrong frequency” are relatively few and generally limited to cases of careless operation. Failure to adopt RM-10352 will almost certainly result in the Commission’s enforcement personnel being drawn into an expanding “range war” fed by users like Cruz, et al.

> 3.) *160-meters can't have the same basic structure as other bands below since there are less users, is noisy, is a night time band only and used ONLY (mainly) in winter time.*

Cruz, et al. obviously lack the historical knowledge and perspective to understand the reason for the current structure on 160-meters and to understand the reasons that structure is no longer desirable. The present structure is the legacy of post-war sharing of the spectrum by LORAN and incomplete action by the Commission when that sharing ended.

The present system of separate allocations for wide - and narrow bandwidth modes has been a fact of life on all other high frequency amateur bands since the evolution of wide bandwidth modes (double sideband, amplitude modulated telephony) and narrow bandwidth modes (continuous wave telegraphy). The bifurcated allocation was found to be as valid on 80-meters (3500 to 4000 KHz with nearly as much “noise” and 160-meters) as on 10-meters (28,000 KHz to 29,700 KHz and essentially “noise free”).

> *We , (a big 160 meters users in Florida) have lots of noise all year around, and the banplan would be a big disadvantage not to mention again the troubles with the Canadians users who are in a different bandplan. Who can say that Canadians will respect OUR bandplan? A " private" Canadian band is other problem that will create the rulemaking of RM-10352 since Canadians are not affected by FCC rules or US laws.*

If Curz, et al. are as concerned about their domestic (or even local) operation as they would imply, a regulatory allocation should not have any impact on their operations. For the short range work they propose, operation on frequencies nearer 2000 KHz would be technically superior … ionospheric losses (D layer absorbtion) decrease somewhat at the higher frequency, antennas are more than 10% smaller (or more efficient for the same size) and there is much less interference from other users.

> *As somebody said ..."if is not broken why fix it?..."*

That the ARRL would study the conditions and expend the resources to create a voluntary band plan and that Briggs and Tippett should file the petition accepted as RM-10352 indicate the current situation is, most certainly, broken. The only question is whether the Commission will fix the problem while it is still repairable. Without action the present situation can only get worse as the number of users on the 160-meter band continue to increase and a declining solar cycle prompts amateur activity to seek frequencies more appropriate for desired communications in the face of changing inonospheric conditions.

In summary, while Cruz, et al may have heartfelt beliefs, their mass filed comments have no technical or practical basis. These comments represent the very attitude that caused Briggs and Tippett to believe that the ARRL endorsed voluntary bandplan was doomed to failure without supporting regulation. I renew my call that the Briggs-Tippett proposal be adopted at the earliest possible moment.